



ADMINISTRATIVE HEARINGS

INDEX CODE: 601
EFFECTIVE DATE: 12-01-13

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I. POLICY

The Field Enforcement Division as designated by the Comptroller shall have the authority to hold hearings relative to various phases of investigations it conducts. Licensees may be requested to appear at an administrative hearing to facilitate an investigation. Owners or persons with an interest in certain seized property or currency are entitled to an administrative hearing to make a determination on the return of the property.

II. REQUEST FOR ADMINISTRATIVE HEARINGS

1. The owner or other persons with interest in the seized property may request an administrative hearing for the return of the seized property.
2. The request must be filed in writing within thirty (30) days of the date of the seizure or of the date the notification of seizure was received by the owner or published.
3. All requests for administrative hearings will be forwarded immediately to a division hearing officer.
4. The hearing officer shall prepare an appropriate written response to the request within five (5) working days of the receipt of the request. The response shall include a date, location, and time for the hearing, as well as other necessary specific instruction.
5. The hearing officer will respond to receipt of hearing requests as stated above and the rules set forth in the Tax-General Article 13, Part VI - Seizure of Property.
6. The Hearing Officer shall be responsible to plan the hearing to include determining a specific location, notifying individuals required to testify/present evidence on behalf of the State and procuring any necessary equipment.
7. When a request for an immediate administrative hearing for the return of seized motor fuel is received, the hearing officer shall conduct the hearing within five (5) working days of the claim being received.

III. HEARING OFFICER

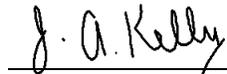
1. The Director shall designate an employee of the division to be a hearing officer. The designated hearing officer shall receive all requests for administrative hearings.

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2. Hearings will be scheduled as soon as practical after the hearing officer receives the request for a hearing unless determined by agreement between the parties involved and the hearing officer or otherwise approved by the Director.
3. The hearing officer shall hear all evidence presented at the hearing and render a final determination of penalty in certain cases of violation of the law or, in the case of seized property or currency, a final determination of whether the property or currency should be returned or forfeited to the State.
4. The final determination of penalty or disposition of property or currency seized must be rendered within thirty (30) working days of the conclusion of the hearing. Any circumstance which would warrant an extension of this requirement must be approved by the Director.
5. The hearing officer shall render a decision of final determination of whether the motor fuel and/or conveyance should be returned or forfeited to the State within five (5) working days of the conclusion of the hearing and must mail the notice of final determination on the same day on which that determination is made. Any decision rendered in favor of the defendant, shall be satisfied via reimbursement.

IV. CANCELLATION: None.



Jeffrey A. Kelly, Director